

ORDINANCE NO. 95³⁸

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: AMENDING SECTION 5.2 (SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS); SECTION 5.3 (OFFICIAL ZONING MAP AMENDMENTS); SECTION 5.4 (CONDITIONAL USES); SECTION 5.8 (COMPLIANCE WITH TIME LIMITATIONS); SECTION 6.4 (USE REGULATIONS AND DEFINITIONS); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Board of County Commissioners mandated that staff conduct periodic reviews of the Unified Land Development Code to ensure consistency with Florida Statutes and the Comprehensive Plan, ensure technical consistency among the various provisions, evaluate the effectiveness of the Code and make proposals on outstanding and new issues; and

WHEREAS, the Board of County Commissioners determines that the amendment will improve the procedures and standards of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners has determined revisions to the County's public hearing and notification requirements are necessary to be consistent with legislative change adopted in 1995 to Chapter 125 and Chapter 163 of the Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of Palm Beach County to provide for uses and standards that promote agricultural products grown in Palm Beach County; and

WHEREAS, the Board of County Commissioners has determined that special provisions should be in place for small Fruits and Vegetable Markets in order to further facilitate the agricultural industry in Palm Beach County; and

WHEREAS, the Board of County Commissioners has determined that the standards regulating agricultural stands in Palm Beach County should be revised to allow an increase in the area devoted to sales and display and to accommodate operational and storage needs while ensuring compatibility with surrounding properties and the safety of the public; and

WHEREAS, the Board Of County Commissioners of Palm Beach County, Florida, propose to amend and adopt regulations affecting allowable uses and the development review process for Fruits and Vegetable Markets in Palm Beach County; and

WHEREAS, the Board of County Commissioners, sitting as the Land Development Regulation Commission, finds this amendment is consistent with the adopted Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

PART 1

Subpart 1. Section 5.2.D., Development Review Procedures; Site Specific (Future Land Use Atlas) Comprehensive Plan Amendments; Procedures is amended to add and delete language as follows:

D. Procedure.

...

7. **Notice.** Notice of a proposed amendment for public hearings shall be provided by publication of advertisement, mailed notice and posting as pursuant to the terms of this section.
 - a. **Advertisement.** The required advertisements shall meet the requirements of Chapter Sec. 163.3184(15)(c) and Chapter Sec. 125.66(4)(b)2, Fla. Stat. as amended from time to time. ~~The advertisement shall also contain the following:~~
 - ~~(1) A location map clearly indicating the area covered by the proposal including major streets;~~
 - ~~(2) A notice that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment; and~~
 - ~~(3) Locations where the proposed amendment is available for public inspection.~~
 - b. **Mailing.** A notice of a proposed Plan Amendment shall be mailed to all owners of real property located within five hundred (500) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living within five hundred (500) feet. If the area within five hundred (500) feet is owned by the applicant or partner in interest, the five hundred (500) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners.

If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change.

Highlighted language indicates proposed new language.

~~Language crossed out~~ indicates language proposed to be deleted.

c. **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each five hundred (500) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency, the Local Planning Agency, or the Board of County Commissioners, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

d. **Exceptions to Mailing and Posting.** The mailing and posting notice requirements shall not apply to any of the following:

- (1) The A site specific land use change is subsequent to a land use action resulting from the Voluntary Density Bonus Program (Section 6.9) or the Transfer of Development Rights - Special Density Program (Section 6.10);
- (2) The A land use change is to a Conservation designation and it follows following public agency acquisition by a public agency;
- (3) A site specific land use change initiated by the BCC, to reflect existing conditions;
- (4) A site specific land use change initiated by the BCC, to comply with previous approved projects; and,
- (5) A site specific land use change as deemed appropriate by the Board of County Commissioners;

At the time the land use change is initiated by the Board of County Commissioners, the Planning Director shall make a recommendation as to the level of notification for the specific change. The Board of County Commissioners shall direct the Planning Director to notice the land use change, as deemed appropriate, by advertisement, mail or posting in accordance with the terms herein.

~~Nothing in this subsection removes the requirement for notice to the owner of the property which is being changed, Sec. 163.3181, Fla. Stat., as amended from time to time.~~

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8. **Action by the Land Use Advisory Board sitting as the Local Planning Agency.** The Local Planning Agency public hearing shall be advertised ~~by means of publication of a notice of the time, place and purpose of the public hearing at least twice in a newspaper of general circulation in the County, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second to be at least five (5) days prior to the hearing pursuant to Section 163.13174(1), Fla. Stat., in a newspaper of general circulation in accordance with requirements set forth in Sec. 125.66(2), and Sec. 163.3164(18), Fla. Stat., as amended from time to time.~~

The Local Planning Agency shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.G, and make recommendations regarding the proposed amendments to the Board of County Commissioners. At the public hearing, the Local Planning Agency shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the Local Planning Agency shall vote on its recommendations and findings based on the standards in Sec. 5.2.D.10.

9. Action by Board of County Commissioners.

- a. **Transmittal public hearing.** ~~Prior to transmittal to DCA, the Board of County Commissioners shall conduct one (1) transmittal public hearing on the application pursuant to the procedures in Sec. 5.1.G, and prior to the proposed amendment's transmittal to DCA pursuant to Sec. 163.3184(3), Fla. Stat., as amended from time to time.~~ At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the recommendations of the Local Planning Agency, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.10, and by an affirmative vote of a majority of ~~its total membership~~ **the members of the Board of County Commissioners present at the hearing**, vote to approve, approve with conditions, or deny for transmittal the application. Failure of ~~a majority of the total membership~~ of the Board of County Commissioners to approve the transmittal of an application for a Site Specific amendment shall be deemed a denial of the proposed Site Specific amendment.

The transmittal public hearing shall be held on a weekday ~~approximately at least~~ **seven (7) calendar** days after notice is published pursuant to Sec. 163.3184(15)(b)1., Fla. Stat., as amended from time to time.

- b. **Adoption public hearing.** Pursuant to the time frames in Section 163.3184(15)(a), Fla. Stat., the Board of County Commissioners shall conduct at least one (1) adoption public hearing on the application. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.10, vote to adopt or not to adopt an ordinance making a Site Specific amendment. A decision to adopt an ordinance making a Site Specific amendment shall require a majority vote of ~~the total membership of~~ **members of** the Board of County Commissioners **present at the hearing**.

The adoption public hearing shall be on a weekday ~~approximately at least five (5) working calendar~~ **days** after the day the notice for the public hearing is published pursuant to Sec. 163.3184(15)(b)(2), Fla. Stat., as amended ~~from time to time~~.

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- c. **Small Scale Development Amendments:** Small Scale Development Amendments shall require only one public hearing before the Board of County Commissioners, which shall be an adoption public hearing, pursuant to Sec. 163.3187(1)(c)(3)(4), and content provisions of Sec. 125.66 (4)(a) Fla. Stat., as amended from time to time.

Subpart 2. Section 5.3.D.5., Development Review Procedures; Official Zoning Map Amendments; Procedures; Public Hearings is amended to add and delete language as follows:

...

5. Public hearings.

- a. **All applications initiated by others than the County or Applications initiated by the County on properties** ~~Less than five (5) percent of land in unincorporated County~~ **10 contiguous acres.** The Zoning Commission and the Board of County Commissioners each shall hold at least one (1) public hearing on a proposed amendment to the boundaries of the Official Zoning Map when that amendment is initiated by a party other than the Board of County Commissioners or initiated by the County on property that would affect less than ~~five (5) percent~~ **10 contiguous acres of the total unincorporated land area in the unincorporated County.**
- b. **Applications initiated by the County on properties 10 or more contiguous acres** ~~Five (5) percent or more of land in unincorporated County.~~ The Zoning Commission shall hold one (1) public hearing and the Board of County Commissioners shall hold two (2) public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect ~~five (5) percent or 10 or more contiguous acres of the total unincorporated land area of the unincorporated County.~~ **The Board of County Commissioners public hearings shall be held after 5:00 p.m. on a weekday. The first Zoning Commission public hearing and the first Board of County Commissioners public hearing shall be held approximately at least seven (7) calendar days after the day the first advertisement for each of the respective public hearings is published. The second Board of County Commissioners public hearing shall be held approximately two (2) at least (10) calendar weeks days after the first Board of County Commissioners public hearing, and notice shall be published approximately at least five (5) calendar days prior to the public hearing. The day, time, and place which the second public hearing will be held shall be announced at the first public hearing. Notice shall be required in accordance with Sec. 125.66(4)(b)2, Fla.Stat., as amended.**

Subpart 3. Section 5.3.D.6., Development Review Procedures; Official Zoning Map Amendments; Procedures; Notice is amended to add and delete language as follows:

- 6. Notice.** Notice of the public hearing shall be made pursuant to the following standards.

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a. **All applications initiated by others than the County or Applications initiated by the County on properties less than five (5) percent of land in unincorporated County 10 contiguous acres.**

- (1) **Publication.** There shall be published ~~fifteen (15)~~ **at least ten (10)** calendar days in advance of the initial public hearing and ~~approximately at least five (5) working ten (10) calendar days~~ prior to the second public hearing on an application for development permit for a map amendment, a notice of such hearing in a newspaper of general circulation in Palm Beach County, in accordance with Sec. 125.66(2), Fla. Stat., as amended. ~~The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.~~
- (2) **Mailing.** ~~Except as provided in Sec. 5.8 of this Article, a~~ **A** courtesy notice of a proposed amendment to the boundaries of the Official Zoning Map affecting ~~less than five (5) percent of the total land area of the unincorporated County~~ shall be mailed to all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area as well as all counties and municipalities within one mile of the area shall also be notified. ~~Municipalities shall be notified of proposed changes within the future annexation area of the municipality. Areas that a municipality has identified as a future annexation areas shall also give notice to the municipality.~~ The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding the proposal. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified mail, return receipt requested, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners. ~~For applications initiated by the County, Certified, mailed notice shall be given to the property owner of the land proposed for the amendment. This notice shall be given at least thirty (30) days prior to the hearing before the Board.~~
- (3) **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected

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on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the ~~change in land use~~ **amendment** is being requested by a public agency or the Board of County Commissioners, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

- (4) Other notice. Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.

b. **Applications Initiated by the County on properties 10 or more contiguous acres**
~~Five (5) percent or more of land in unincorporated County.~~

(1) Publication.

- (a) General. Notice of a proposed amendment to the Official Zoning Map affecting **10 contiguous acres** ~~five (5) percent or more of the total land area of the unincorporated County~~ shall be provided by publication of advertisement.

- (b) Form. Advertisements ~~of all required public hearings shall be made in accordance with Sec. 125.66(4)(b)2, Fla. Stat., as amended. no less than one quarter (1/4) page in a standard size or a tabloid size newspaper, and the headline in the advertisements to be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in Palm Beach County and of general interest and readership in the community pursuant to Chapter 50, Fla. Stat., not one of limited subject matter or limited distribution. It is the intent that, whenever possible, advertisements shall appear in a newspaper published at least five (5) days a week.~~

- (c) ~~Advertisements for amendments to the Official Zoning Map shall be in the following form:~~

~~NOTICE OF ZONING CHANGE~~

~~Application No. _____~~

~~Palm Beach County proposes to rezone the land within the area shown in the map in this advertisement from (existing district) to (proposed district).~~

~~Public hearings on the proposal will be held on dates and times at (meeting places)~~

~~Advertisements for amendments to the text of this Code shall be in the following form:~~

~~NOTICE OF ESTABLISHMENT OF CHANGE OF A~~

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REGULATION AFFECTING THE USE OF LAND

~~Palm Beach County proposes to adopt or change a regulation affecting the use of land for land in the area shown in the map in this advertisement.~~

~~A public hearing on the regulation affecting the use of land will be held on (date and time) at (meeting place).~~

~~Advertisements shall contain a brief explanation of the subject matter of the proposed ordinance or regulation and shall also contain a geographic location map that clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.~~

- (2) **Mailing.** In lieu of publishing the advertisements set out in Sec. 5.3.D.76.a(1) and 5.3.D.76.b(1), notices may be mailed to each person owning land within the area covered by the proposal in accordance with Sec. 125.66(4)(b)3, Fla. Stat., as amended. ~~Such notice shall be pursuant to Sec. 5.3.D.7.a.(2) and shall clearly explain the proposal and shall notify the person of the date, time, place and location of the public hearing(s).~~
- (3) **Other notice.** Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.

Subpart 4. Section 5.3.D.7., Development Review Procedures; Official Zoning Map Amendments; Action by Zoning Commission; Notice is amended to add and delete language as follows:

7. **Action by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.EG. At the public hearing, the Zoning Commission shall consider the application, the staff report, the relevant support materials, and public testimony given at the hearing. If at any time during the public hearing the Zoning Commission determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report. After close of the public hearing, the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or disapproval of the application based upon the standards in Sec. 5.3.D.9.

Subpart 5. Section 5.3.F, Development Review Procedures; Official Zoning Map Amendments; Appeal is amended to add and delete language as follows:

F. Appeal.

Any person aggrieved by a decision of the Board of County Commissioners on an application for development permit for an amendment to the Official Zoning Map, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within

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the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. ~~If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.~~

Subpart 6. Section 5.4.E.6., Development Review Procedures; Conditional Uses; Class "A" conditional use; Public Hearings is amended to add and delete language as follows:

- 6. Public hearings.** The Zoning Commission and the Board of County Commissioners shall each hold at least one (1) public hearing on a weekday, on an application for development permit for a Class "A" conditional use.
 - a. Notice.** Notice of the public hearing shall be made, pursuant to the following standards.
 - (1) Publication.** ~~Public notice There shall be published in a newspaper of general circulation in Palm Beach County, at least ten (10) fifteen (15) calendar days in advance of the initial Zoning Commission public hearing and approximately five (5) working at least ten (10) calendar days prior to the second Board of County Commissioners public hearing on an application for development permit for a Class "A" conditional use, a notice of such hearing in a newspaper of general circulation in Palm Beach County. The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application. The notice shall be published in accordance with Sec. 125.66(2) of the Fla. Stat.~~
 - (2) Mailing.** A courtesy notice shall also be provided by certified mail, return receipt requested, to all owners of land within three hundred (300) feet of the periphery of the land subject to the application, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when an owner of real property consists of a condominium, notice shall be given to the condominium association and all real property owners living within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area as well as all counties and municipalities within one mile of the area shall also be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the application and shall set a time and place for the public hearing on such application. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding the proposal. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing on an application for a development permit.
 - (3) Posting.** The land subject to the application for development permit for a Class "A" conditional use shall be posted with a notice of the public hearing

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on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency or the Board of County Commissioners and signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart 7. Section 5.4.E.12, Development Review Procedures; Conditional Uses; Class "B" conditional use; Appeal is amended to add and delete language as follows:

12. **Appeal.** Any person aggrieved by a decision of the Board of County Commissioners on an application for development permit for a Class "A" conditional use, shall apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. ~~If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.~~

Subpart 8. Section 5.4.F.6, Development Review Procedures; Conditional Uses; Class "B" conditional use; Public Hearings is amended to add and delete language as follows:

6. **Public hearings.** The Zoning Commission shall hold one (1) public hearing on an application for development permit for a Class "B" conditional use.
- a. **Notice.** Notice of the public hearing shall be made pursuant to the following standards.
- (1) **Publication.** Public notice ~~There shall be published in a newspaper of general circulation in Palm Beach County, approximately fifteen (15) at least ten (10) calendar days in advance of the Zoning Commission public hearing on an application for development permit for a Class "B" conditional use, a notice of such hearing in a newspaper of general circulation in Palm Beach County. The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the~~

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~~public hearing and be heard with respect to the application. The notice shall be published in accordance with Sec. 125.66(2) of the Fla. Stat.~~

- (2) **Mailing.** A courtesy notice shall also be provided by certified mail, return receipt requested, to all owners of land within three hundred (300) feet of the periphery of the land subject to the application, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when an owner of real property consists of a condominium, notice shall be given to the condominium association and all real property owners living within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area as well as all counties and municipalities within one mile of the area shall also be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the application and shall set a time and place for the public hearing on such application. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding the proposal. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing on an application for a development permit.
- (3) **Posting.** The land subject to the application for development permit for a Class "AB" conditional use shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency or the Board of County Commissioners and signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart 9. Section 5.4.F.12, Development Review Procedures; Conditional Uses; Class "B" conditional use; Exhaustion of non-judicial remedies and judicial review is amended to add and delete language as follows:

12. Exhaustion of non-judicial remedies and judicial review.

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- b. **Judicial relief; petition for writ of certiorari.** After appeal of a development order for a class "B" conditional use to the Board of County Commissioners, as provided by this Code, any person aggrieved by a decision of the Zoning Commission on an application for development permit for a Class "B" conditional use, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. ~~If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.~~

Subpart 10. Section 5.8.C.4.d., Development Review Procedures; Compliance with time limitations; Procedures; Failure to comply with conditions or time requirements; is amended to add and delete language as follows:

- d. ~~Prior to c~~Consideration of the **all actions, except a rezoning, permitted by Sec. 5.8.C.5.b.,** ~~matter by the Board of County Commissioners or Zoning Commission, notice to the owner of record and advertisement of the proceedings~~ shall occur in the following manner:

(1) Public Hearing. At least one public hearing shall be held by the Zoning Commission or by the Board of County Commissioners, as applicable.

(12) Mail notice. The owner of record shall be notified in writing of the executive director's status report and recommendation to the Board of County Commissioners or Zoning Commission. Written notice shall consist of a letter sent at least fourteen (14) calendar days prior to the hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the Palm Beach County Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include:

- (a) A statement that the time period has expired or that a condition of approval has been violated and that the development shall be subject to review;
- (b) The executive director's recommendation to the Board of County Commissioners or Zoning Commission;
- (c) A statement that review may result in one (1) or more of the actions identified in subsection C.5.b., herein;
- (d) Notice of the date, time, and place of the hearing before the Board of County Commissioners or Zoning Commission, during which the report and recommendation of the executive director will be heard;
- (e) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the executive director; and

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~~Language crossed out~~ indicates language proposed to be deleted.

- (f) Such other information as may be necessary and appropriate to accomplish the goals of this section.
- (23) **Newspaper Publication.** ~~In addition to the notice mailed to the owner of record, Notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in Palm Beach County, in accordance with Sec. 125.66(2)(a).; Notice shall be published at least with the first such publication at least fifteen (15) days prior to the date of the hearing and the second such publication at least five (5) ten (10) days prior to the hearing. Proof of the required publication shall be presented at the hearing.~~
- e. **Consideration of all rezonings on properties less than 10 contiguous acres, by the Board of County Commissioners, shall occur in the following manner:**
- (1) **Public hearing.** The Board of County Commissioners shall hold at least one (1) public hearing on a proposed amendment to the boundaries of the Official Zoning Map.
- (2) **Mail notice.** The owner of record shall be notified in writing of the executive director's status report and recommendation to the Board of County Commissioners. Written notice shall consist of a letter sent at least thirty (30) calendar days prior to the hearing by certified mail, return receipt requested, in accordance with Section 125.66(4)(a), Fla. Stat. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. In addition to the requirements of Sec. 125.66(4)(a), Fla. Stat., written notice shall include the items as stated in Sec. 5.8.C.4.d.(1)(a)-(1)(f) above:
- (3) **Newspaper Publication.** In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with Sec. 125.66(2) of the Fla. Stat. Notice shall be published at least ten (10) days prior to the hearing.
- f. **Prior to consideration of all rezoning on properties 10 or more contiguous acres by the Board of County Commissioners, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:**
- (1) **Public hearing.** The Board of County Commissioners shall hold two (2) public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect 10 or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least (10) calendar days after the first public hearing in accordance with Sec. 125.66(4)(b)1 of Fla. Stat.
- (2) **Mail notice.** The owner of record shall be notified in writing of the executive director's status report and recommendation to the Board of County Commissioners and shall be noticed in accordance with Section 125.66(4)(b)3., Fla. Stat. Written notice shall consist of a letter sent at least thirty (30) calendar days prior to both the first and second hearing by

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certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the Palm Beach County Property Appraiser's Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Sec. 5.8.C.4.d.(1)(a)-(1)(f) above:

- (3) Newspaper Publication.** In addition to the notice mailed to the owner of record, notice shall be published in a newspaper of general circulation in the County. Notice shall be published once for each hearing; the first publication shall be at least seven (7) calendar days prior to the date of the first hearing and the second publication shall be at least five (5) calendar days prior to the second hearing.

The notice shall state the date, time, and place of the hearing; the proposed action; and the place within the county where the status report and recommendation may be inspected by the public. The notice shall advise that interested parties may appear at the hearing and be heard with respect to the report and recommendation. A copy of such notice shall be kept available for public inspection at the Planning, Zoning and Building Department during regular business hours.

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PART 2.

Subpart 1. Section 6.4.D., Table 6.4-1 Use Regulations Schedule; Fruit and Vegetable Markets is amended as follows:

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District																							NOTE	
	Agriculture/ Conservation					Residential										Commercial						Indus/ Public			
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O	C G	C R E	I L	I G		P O
						R U R A L	U S A																		
Commercial uses																									
Adult entertainment																			S			S	S		2
Auction, enclosed					A												B		D						13
Auction, outdoor					A														A			B			13
Automotive paint or body shop																			A			P	P		14
Automotive service station																	A		A			B	D		15
Bed and Breakfast					A	S	S	S	S	S	S	S	S	S	S										16
Broadcasting studio																	B	D	D			P			
Building supplies, retail					B											B			B			D			
Building supplies, wholesale																			A			D	P		
Car wash and auto detailing																	A		B			D			18
Contractor's storage yard					D																	D	P		25
Convenience store, no gas sales																A	A		B						26
Convenience store with gas sales																	A		A						27
Day labor employment service																			A			D	P		29
Dispatching office					D														B			P	P		30
Financial institution																D	D	B	B	B					38
Flea market, enclosed																			B						40
Flea market, open																			A			B			41
Fruit and vegetable market		D		P	P	A										P	P		P						42

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Language crossed out indicates language proposed to be deleted.

Subpart 2. Section 6.4.D.42., Use Regulations and Definitions; Supplemental Standards; Fruit and Vegetable Markets is amended to add and delete language as follows:

42. Fruit and vegetable market means an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience type foods or products shall not be permitted. In addition to the property development regulations contained in this code, all fruit and vegetable markets shall comply with the following standards:~~A fruit and vegetable market shall comply with the following standards in the SA district. In the SA district a fruit and vegetable market shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks, and shall be subject to provisions of Sec. 7.3 (Compatibility landscape buffer strips).~~

- a. **Size and Configuration.** For the purposes of this section, the square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.
- b. **Outdoor display and storage.** Outdoor storage shall be subject to the provisions contained in Sec. 6.6.A.3 of this code. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.
- c. **Uses.** The use shall be limited to those uses identified above. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Sec. 6.4.D.83 of this code. No vending machines or other similar equipment shall be permitted on site.
- d. **Building Construction.** The fruit and vegetable market shall be contained in either an entirely enclosed or roofed open air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall be not be used for storage or display purposes.
- e. **Sanitation.** Sanitary facilities shall be provided in accordance with the laws of Palm Beach County and State of Florida, as applicable.
- f. **Site Development Standards.** The property shall be developed in accordance with the provisions set forth in this code, unless otherwise provided in subsection 6.4.D.42.f.v. below.
- g. **Residential Buffers.** Markets located on property adjacent to a residential zoning district shall install landscape compatibility buffer alternatives 1, 2, 3 or 4, as defined in Sec. 7.3., for the length of the property line required to screen the market and accessory parking area
- h. **AR/Rural, SA, AGR, or RSER Districts.** In addition to the above standards, fruit and vegetable markets shall comply with the following:
 - i. **Locational criteria.** The stand and accessory area shall be:

Highlighted language indicates proposed new language.
~~Language crossed out~~ indicates language proposed to be deleted.

- a. located on an arterial designated on the Palm Beach County Thoroughfare Plan;
 - b. located at least 500 feet from adjacent existing residential uses.
- ii. **Lot size.** The market shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.
- iii. **Setbacks.** The structure and accessory area shall be setback at least fifty (50) feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.
- iv. **Intensity in the AR zoning district.** In the AR zoning district, the area devoted to the fruit and vegetable market shall not exceed 3,000 square feet.
- v. **Markets less than 1,500 square feet.** In addition to the standards stated above, fruit and vegetable markets less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) in all zoning districts referenced above, may apply the following less restrictive development standards:
- (a) **Paving.** The surface parking lot may be constructed of shellrock or other similar material. At a minimum the following areas shall be paved in accordance with the Sec. 7.2.C.12.b.(3) of this code:
 - (1) a paved driveway apron area, connecting the right-of-way to the site shall be subject to approval by the County Engineer; and,
 - (2) handicap parking spaces and handicap access.
 - (b) **Landscaping.** Landscaping shall be required, in accordance with Sec. 7.3, as follows:
 - (1) along all perimeters of the site abutting rights-of-way or residentially zoned property;
 - (2) if the parking area exceeds the minimum parking requirement by more than 50 percent, then the site shall comply with the minimum tree planting and interior landscape requirements of Sec. 7.3.
 - (c) **Vegetation.** Existing vegetation shall be preserved in accordance with Sec. 7.6 of this code.

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Subpart 3. Section 6.4.D.92., Use Regulations and Definitions; Supplemental Standards; Stands for the sale of agricultural products is amended to add and delete language as follows:

92. Agricultural Stand ~~for the sale of agricultural products~~ means a temporary stand, less than 150 square feet used for the retail sale of agricultural products, not necessarily grown on site, consisting of fresh unprocessed fruit, vegetables, flowers, and containerized interior house plants. ~~not necessarily grown on the site. A stand used for the sale of agricultural products, not necessarily grown on site;~~ The stand shall comply with the following supplementary use standards:

a. **Approval.** ~~The~~ An agricultural stand is permitted in the ~~AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG~~ districts subject to a special use permit approval. ~~and in residential districts with a DRC approval.~~ Application shall be made on forms provided by the Zoning Director.

b. **Locational criteria.** The stand and accessory area shall ~~not~~ be:

i. permitted only in the ~~AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG~~ districts;

ii. located on an arterial roadway designated on the Palm Beach County Thoroughfare Plan;

iii. located a minimum of one hundred (100) feet from an intersection of an arterial and any other dedicated right-of-way;

iv. **Separation.** ~~The stand shall not be any closer than~~ located at least six hundred (600) feet from ~~to~~ any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district; and,

v. located at least 500 feet from adjacent residential uses.

b.c. **Number.** ~~There shall be~~ Only one (1) stand shall be permitted on a ~~parcel of land.~~ lot of record.

e.d. **Size and configuration.** The stand and accessory area shall not exceed 150 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella or canopy area.

~~For purposes of this section, all sales and/or displays of agricultural products must be contained within the stand.~~

~~No sales and/or display of agricultural products is permitted outside of this stand.~~

Highlighted language indicates proposed new language.
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- e. **Uses.** The use of the stand shall be limited to those uses identified above. No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales may be permitted in accordance with Sec. 6.4.D.83 of this code.
- df. **Mobility.** The stand ~~must~~ shall be transportable, ~~must~~ retain its mobility, and ~~must~~ have a frame of sufficient strength to withstand being transported. The stand shall be transportable by wheels, skids or ~~other similar devices~~ hoist.
- e-g. **Building Materials.** The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. ~~Semi-trucks, mobile homes, and other permanent or temporary structures shall not be used as a stand.~~ Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.
- f-h. **Sanitation.** The stand shall ~~not~~ provide sanitary facilities in accordance with the laws of Palm Beach County and State of Florida, as applicable.
- g-i. **Electricity.** Electricity may be connected to a stand for lighting, cash register refrigeration and fans, ~~etc.~~ ~~However, e~~Electricity shall not be used for refrigeration, preparation of food, and other uses similar to a vegetable market or a convenience store. Electrical service to a site shall be provided in accordance with the electrical code. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Inspector and Palm Beach County Fire Rescue Department.
- j. **Refrigeration.** Refrigeration shall be contained within the confines of the 150 square foot stand. Appropriate permits shall be obtained. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.
- ~~h. **Residential occupancy.** Mobile homes, travel trailers and other structures intended for residential occupation whether temporary or permanent shall not be used as a stand.~~
- ~~i. The stand shall not be any closer than six hundred (600) feet to any other stand.~~
- j-k. **Setbacks.** The stand shall be set back at least ~~fifty (50)~~ thirty-five (35) feet ~~or more~~ from the front property line and 50 feet from all other parcel boundaries, designated for the stand. ~~The pavement or shall abut the base building line, whichever distance is greater.~~
- ~~k. **Intersection criteria.** The stand shall not be located within one hundred (100) feet of the intersection of the right of way lines of any two dedicated roads.~~
- ml. **Signage.** Signs for vendors shall be limited to two ~~one~~ signs, with a combined maximum sign face area of ~~ten (10)~~ thirty-two (32) square feet ~~single-faced~~ or sixty four (64) square feet doubled-faced. The sign shall be no closer to any property line than the vendor stand. Banners, pennants, balloons or flags shall be prohibited.

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m. **Concurrency and Impact Fees.** A concurrency certificate is not required for stands 150 square feet or less. Impact fees shall be paid prior to issuance of the special permit in accordance with the impact fee schedule contained in Art. 10.

n. **Permission.** The vendor shall receive written permission from the property owner.

o. **Insurance.** Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of ~~two~~ **three** hundred thousand dollars (\$2300,000) per occurrence.

p. **Renewal of special permit.** The special permit shall expire within one year from the date the permit was issued. The special permit may be renewed annually in accordance with Sec. 5.5.E.9 of this code.

q. **Existing Stands.** All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be grandfathered. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of Palm Beach County, Florida, and as provided herein:

1. the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
2. display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
3. the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this subsection, as amended.
4. portable refrigeration, may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained; and,
5. the use of vending machines shall not continue.

Expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this section. If an existing stand is expanded, repaired or altered, the affected area shall comply with the regulations herein.

Highlighted language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

PART 3. CAPTIONS:

The captions, sections headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 4. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any such conflict.

PART 5. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provision of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

PART 7. EFFECTIVE DATE:

The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 19th day of September 1995.

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

By: 

Vice-Chairman



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners

By: 

DEPUTY CLERK

EFFECTIVE DATE: Filed with the Department of State on the 29th day of September, 1995, at 11/4 .M.

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ATTACHMENT 1

GENERALIZED SUMMARY - SALE OF AGRICULTURAL PRODUCTS - OPTIONS FOR CONSIDERATION					
	OPTION 1 ADDRESS HEALTH CONCERNS STAFF RECOMMENDATION		OPTION 2 BCC DIRECTIVE (AG STAND)	OPTION 3 CURRENT REQS	
GRANDFATHER EXISTING STANDS	AG STAND YES	FRUIT & VEG MARKET YES	YES	PROPOSED	
SIZE	150 SF MAX	COMMERCIAL DISTRICT - NO LIMITS AG DISTRICT - 3,000 SF MAX	1,300 SF MAX	300 SF MAX	
ZONING DISTRICT ALLOWED	AGR, AP, AR (RURAL & USA), SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL, IG	AGR, SA, RSER, CN, CC, CG, AR RURAL	AGR, AP, AR (RURAL & USA), SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL, IG	AGR, AP, AR, (RURAL & USA), SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL, IG	
USE LIMIT	FRESH FRUIT, VEGETABLES, FLOWERS, HOUSE PLANTS NO PROCESSING.	FRESH FRUIT, VEGETABLES, FLOWERS, HOUSE PLANTS, JUICE, JAMS & JELLIES, HONEY, NO CONVENIENCE/ GROCERY STORE ITEMS	FRESH FRUIT, VEGETABLES, FLOWERS, HOUSE PLANTS, NO PROCESSING.	FRESH FRUIT, VEGETABLES, FLOWERS, HOUSE PLANTS, NO PROCESSING.	
LOCATIONAL CRITERIA	ARTERIAL ROADWAY 100' FROM INTERSECTION 500' FROM RESIDENTIAL	ARTERIAL ROADWAY 500' FROM RESIDENTIAL	ARTERIAL ROADWAY 100' FROM INTERSECTION 500' FROM RESIDENTIAL	100' FROM INTERSECTION	
MINIMUM LOT AREA	N/A	LEGAL LOT 1 AC. IN AG DISTRICTS	1/2 AC	N/A	
SEPARATION BETWEEN STANDS	600'	NO REQUIREMENT	1 MILE	600'	
SANITATION FACILITIES	YES. FACILITIES MAY BE ON SITE WITHIN 300'	YES	NO. HEALTH COULD STILL ENFORCE.	NO. HEALTH ENFORCES THROUGH CONCURRENCY	
REFRIGERATION	YES	YES	YES	NO	
BUILDING PERMIT	NO	YES	YES	NO	
ELECTRICITY	YES	YES	YES	YES	
OUTDOOR DISPLAY	YES. UNDER CANOPY	YES	YES. UNDER CANOPY	NO	
MOBILITY	YES	NO	YES	YES	
CONCURRENCY	NO	YES	YES	YES	
IMPACT FEES	YES	YES	YES	YES	
COMMENTS	RELAXED PAVING & LANDSCAPING REQUIREMENTS	BUFFER REQUIREMENT ADJACENT TO RESIDENTIAL			

ATTACHMENT 2

PARTS 1 and 2

**STAFF RECOMMENDATION
ADOPTION DRAFT**

ORDINANCE NO. 95-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY FLORIDA, AS FOLLOWS: AMENDING SECTION 5.2 (SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS); SECTION 5.3 (OFFICIAL ZONING MAP AMENDMENTS); SECTION 5.4 (CONDITIONAL USES); SECTION 5.8 (COMPLIANCE WITH TIME LIMITATIONS); SECTION 6.4 (USE REGULATIONS AND DEFINITIONS); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Board of County Commissioners mandated that staff conduct periodic reviews of the Unified Land Development Code to ensure consistency with Florida Statutes and the Comprehensive Plan, ensure technical consistency among the various provisions, evaluate the effectiveness of the Code and make proposals on outstanding and new issues; and

WHEREAS, the Board of County Commissioners determines that the amendment will improve the procedures and standards of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners has determined revisions to the County's public hearing and notification requirements are necessary to be consistent with legislative change adopted in 1995 to Chapter 125 and Chapter 163 of the Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of Palm Beach County to provide for uses and standards that promote agricultural products grown in Palm Beach County; and

WHEREAS, the Board of County Commissioners has determined that special provisions should be in place for small Fruits and Vegetable Markets in order to further facilitate the agricultural industry in Palm Beach County; and

WHEREAS, the Board of County Commissioners has determined that the standards regulating agricultural stands in Palm Beach County should be revised to allow an increase in the area devoted to sales and display and to accommodate operational and storage needs while ensuring compatibility with surrounding properties and the safety of the public; and

WHEREAS, the Board Of County Commissioners of Palm Beach County, Florida, propose to amend and adopt regulations affecting allowable uses and the development review process for Fruits and Vegetable Markets in Palm Beach County; and

WHEREAS, the Board of County Commissioners, sitting as the Land Development Regulation Commission, finds this amendment is consistent with the adopted Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

ATTACHMENT 2

PART 1

ARTICLE 5 PUBLIC HEARING AND NOTICE REQUIREMENTS FOR REZONINGS STAFF RECOMMENDATION

COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

PART 1

Subpart 1. Section 5.2.D., Development Review Procedures; Site Specific (Future Land Use Atlas) Comprehensive Plan Amendments; Procedures is amended to add and delete language as follows:

D. Procedure.

...

7. **Notice.** Notice of a proposed amendment for public hearings shall be provided by publication of advertisement, mailed notice and posting as pursuant to the terms of this section.

a. **Advertisement.** The required advertisements shall meet the requirements of Chapter Sec. 163.3184(15)(c) and Chapter Sec. 125.66(4)(b)2, Fla. Stat. as amended from time to time. ~~The advertisement shall also contain the following:~~

- ~~(1) A location map clearly indicating the area covered by the proposal including major streets;~~
- ~~(2) A notice that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment; and~~
- ~~(3) Locations where the proposed amendment is available for public inspection.~~

b. **Mailing.** A notice of a proposed Plan Amendment shall be mailed to all owners of real property located within five hundred (500) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living within five hundred (500) feet. If the area within five hundred (500) feet is owned by the applicant or partner in interest, the five hundred (500) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners.

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~~Language crossed out~~ indicates language proposed to be deleted.

Nothing in this subsection removes the requirement for notice to the owner of the property which is being changed, Sec. 163.3181, Fla. Stat., as amended from time to time.

8. **Action by the Land Use Advisory Board sitting as the Local Planning Agency.** The Local Planning Agency public hearing shall be advertised by means of publication of a notice of the time, place and purpose of the public hearing at least twice in a newspaper of general circulation in the County, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second to be at least five (5) days prior to the hearing pursuant to Section 163.3174(1), Fla. Stat., in a newspaper of general circulation in accordance with requirements set forth in Sec. 125.66(2), and Sec. 163.3164(18), Fla. Stat., as amended from time to time.

The Local Planning Agency shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.G, and make recommendations regarding the proposed amendments to the Board of County Commissioners. At the public hearing, the Local Planning Agency shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the Local Planning Agency shall vote on its recommendations and findings based on the standards in Sec. 5.2.D.10.

9. **Action by Board of County Commissioners.**

- a. **Transmittal public hearing.** Prior to transmittal to DCA, the Board of County Commissioners shall conduct one (1) transmittal public hearing on the application pursuant to the procedures in Sec. 5.1.G, and prior to the proposed amendment's transmittal to DCA pursuant to Sec. 163.3184(3), Fla. Stat., as amended from time to time. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the recommendations of the Local Planning Agency, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.10, and by an affirmative vote of a majority of its total membership the members of the Board of County Commissioners present at the hearing, vote to approve, approve with conditions, or deny for transmittal the application. Failure of a majority of the total membership of the Board of County Commissioners to approve the transmittal of an application for a Site Specific amendment shall be deemed a denial of the proposed Site Specific amendment.

The transmittal public hearing shall be held on a weekday approximately at least seven (7) calendar days after notice is published pursuant to Sec. 163.3184(15)(b)1., Fla. Stat., as amended from time to time.

- b. **Adoption public hearing.** Pursuant to the time frames in Section 163.3184(15)(a), Fla. Stat., the Board of County Commissioners shall conduct at least one (1) adoption public hearing on the application. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.10, vote to adopt or not to adopt an ordinance making a Site

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Subpart 3. Section 5.3.D.6., Development Review Procedures; Official Zoning Map Amendments; Procedures; Notice is amended to add and delete language as follows:

6. Notice. Notice of the public hearing shall be made pursuant to the following standards.

a. **All applications initiated by others than the County or Applications initiated by the County on properties less than five (5) percent of land in unincorporated County 10 contiguous acres.**

(1) **Publication.** There shall be published ~~fifteen (15)~~ **at least ten (10)** calendar days in advance of the initial public hearing and ~~approximately at least five (5) working ten (10)~~ calendar days prior to the second public hearing on an application for development permit for a map amendment, a notice of such hearing in a newspaper of general circulation in Palm Beach County, in accordance with Sec. 125.66(2), Fla. Stat., as amended. ~~The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.~~

(2) **Mailing.** Except as provided in Sec. 5.8 of this Article, a ~~A~~ courtesy notice of a proposed amendment to the boundaries of the Official Zoning Map ~~affecting less than five (5) percent of the total land area of the unincorporated County~~ shall be mailed to all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area as well as all counties and municipalities within one mile of the area shall also be notified. **Municipalities shall be notified of proposed changes within the future annexation area of the municipality. Areas that a municipality has identified as a future annexation areas shall also give notice to the municipality.** The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding the proposal. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified mail, return receipt requested, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners. **For applications initiated by the County, Certified,** mailed notice shall be given to the property owner of the land proposed for the

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NOTICE OF ZONING CHANGE

Application No. _____

~~Palm Beach County proposes to rezone the land within the area shown in the map in this advertisement from (existing district) to (proposed district).~~

~~Public hearings on the proposal will be held on dates and times at (meeting places)~~

~~Advertisements for amendments to the text of this Code shall be in the following form:~~

NOTICE OF ESTABLISHMENT OF CHANGE OF A
REGULATION AFFECTING THE USE OF LAND

~~Palm Beach County proposes to adopt or change a regulation affecting the use of land for land in the area shown in the map in this advertisement.~~

~~A public hearing on the regulation affecting the use of land will be held on (date and time) at (meeting place).~~

~~Advertisements shall contain a brief explanation of the subject matter of the proposed ordinance or regulation and shall also contain a geographic location map that clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.~~

(2) Mailing. In lieu of publishing the advertisements set out in Sec. 5.3.D.76.a(1) and 5.3.D.76.b(1), notices may be mailed to each person owning land within the area covered by the proposal in accordance with Sec. 125.66(4)(b)3, Fla. Stat., as amended. Such notice shall be pursuant to Sec. 5.3.D.7.a.(2) and shall clearly explain the proposal and shall notify the person of the date, time, place and location of the public hearing(s).

(3) Other notice. Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.

Subpart 4. Section 5.3.D.7., Development Review Procedures; Official Zoning Map Amendments; Action by Zoning Commission; Notice is amended to add and delete language as follows:

7. **Action by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.EG. At the public hearing, the Zoning Commission shall consider the application, the staff report, the relevant support materials, and public testimony given at the hearing. If at any time during the public hearing the Zoning Commission determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report. After close of the public hearing, the Zoning Commission shall recommend to

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property consists of a condominium, notice shall be given to the condominium association and all real property owners living within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area as well as all counties and municipalities within one mile of the area shall also be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. The notice shall state the substance of the application and shall set a time and place for the public hearing on such application. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding the proposal. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing on an application for a development permit.

- (3) **Posting.** The land subject to the application for development permit for a Class "A" conditional use shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency or the Board of County Commissioners and signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart 7. Section 5.4.E.12, Development Review Procedures; Conditional Uses; Class "B" conditional use; Appeal is amended to add and delete language as follows:

12. **Appeal.** Any person aggrieved by a decision of the Board of County Commissioners on an application for development permit for a Class "A" conditional use, shall apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. ~~If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial~~

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in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of frontage along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. If the change in land use is being requested by a public agency or the Board of County Commissioners and signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart 9. Section 5.4.F.12, Development Review Procedures; Conditional Uses; Class "B" conditional use; Exhaustion of non-judicial remedies and judicial review is amended to add and delete language as follows:

12. Exhaustion of non-judicial remedies and judicial review.

- b. Judicial relief; petition for writ of certiorari. After appeal of a development order for a class "B" conditional use to the Board of County Commissioners, as provided by this Code, any person aggrieved by a decision of the Zoning Commission on an application for development permit for a Class "B" conditional use, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. ~~If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.~~

Subpart 10. Section 5.8.C.4.d., Development Review Procedures; Compliance with time limitations; Procedures; Failure to comply with conditions or time requirements; is amended to add and delete language as follows:

- d. ~~Prior to e~~Consideration of the all actions, except a rezoning, permitted by Sec. 5.8.C.5.b., ~~matter by the Board of County Commissioners or Zoning Commission, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:~~
- (1) Public Hearing. At least one public hearing shall be held by the Zoning Commission or by the Board of County Commissioners, as applicable.

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that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. In addition to the requirements of Sec. 125.66(4)(a), Fla. Stat., written notice shall include the items as stated in Sec. 5.8.C.4.d.(1)(a)-(1)(f) above:

- (3) **Newspaper Publication.** In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with Sec. 125.66(2) of the Fla. Stat. Notice shall be published at least ten (10) days prior to the hearing.
- f. Prior to consideration of all rezoning on properties 10 or more contiguous acres by the Board of County Commissioners, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:
 - (1) **Public hearing.** The Board of County Commissioners shall hold two (2) public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect 10 or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least (10) calendar days after the first public hearing in accordance with Sec. 125.66(4)(b)1 of Fla. Stat.
 - (2) **Mail notice.** The owner of record shall be notified in writing of the executive director's status report and recommendation to the Board of County Commissioners and shall be noticed in accordance with Section 125.66(4)(b)3., Fla. Stat. Written notice shall consist of a letter sent at least thirty (30) calendar days prior to both the first and second hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the Palm Beach County Property Appraiser's Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Sec. 5.8.C.4.d.(1)(a)-(1)(f) above:
 - (3) **Newspaper Publication.** In addition to the notice mailed to the owner of record, notice shall be published in a newspaper of general circulation in the County. Notice shall be published once for each hearing; the first publication shall be at least seven (7) calendar days prior to the date of the first hearing and the second publication shall be at least five (5) calendar days prior to the second hearing.

The notice shall state the date, time, and place of the hearing; the proposed action; and the place within the county where the status report and recommendation may be inspected by the public. The notice shall advise that interested parties may appear at the hearing and be heard with respect to the report and recommendation. A copy of such notice shall be kept available for

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OPTION 1

ATTACHMENT 2

PART 2

**ARTICLE 6.4
RECLASS AG. STANDS TO FRUIT AND VEGETABLE MARKETS
STAFF RECOMMENDATION**

Fruit and Vegetable Market Stands									
Stand #	Location	Owner	Current Use	Proposed Use	Comments	Staff Recommendation	City Council Decision	Appeal Status	Final Decision
1	Market A	John Doe	Produce	Produce		Support	Approved	None	Final
2	Market A	Jane Smith	Produce	Produce		Support	Approved	None	Final
3	Market A	Bob Johnson	Produce	Produce		Support	Approved	None	Final
4	Market A	Alice Brown	Produce	Produce		Support	Approved	None	Final
5	Market A	Charlie White	Produce	Produce		Support	Approved	None	Final
6	Market A	Diana Green	Produce	Produce		Support	Approved	None	Final
7	Market A	Frank Black	Produce	Produce		Support	Approved	None	Final
8	Market A	Grace King	Produce	Produce		Support	Approved	None	Final
9	Market A	Henry Lee	Produce	Produce		Support	Approved	None	Final
10	Market A	Ivy Hill	Produce	Produce		Support	Approved	None	Final
11	Market A	Jack Adams	Produce	Produce		Support	Approved	None	Final
12	Market A	Karen Baker	Produce	Produce		Support	Approved	None	Final
13	Market A	Liam Clark	Produce	Produce		Support	Approved	None	Final
14	Market A	Mia Evans	Produce	Produce		Support	Approved	None	Final
15	Market A	Noah Foster	Produce	Produce		Support	Approved	None	Final
16	Market A	Olivia Gibson	Produce	Produce		Support	Approved	None	Final
17	Market A	Peter Hall	Produce	Produce		Support	Approved	None	Final
18	Market A	Quinn Harris	Produce	Produce		Support	Approved	None	Final
19	Market A	Rachel Ivers	Produce	Produce		Support	Approved	None	Final
20	Market A	Samuel Jones	Produce	Produce		Support	Approved	None	Final
21	Market A	Tina Kelly	Produce	Produce		Support	Approved	None	Final
22	Market A	Uma Khan	Produce	Produce		Support	Approved	None	Final
23	Market A	Victor Lopez	Produce	Produce		Support	Approved	None	Final
24	Market A	Wendy Martin	Produce	Produce		Support	Approved	None	Final
25	Market A	Xavier Nelson	Produce	Produce		Support	Approved	None	Final
26	Market A	Yara Ortiz	Produce	Produce		Support	Approved	None	Final
27	Market A	Zoe Parker	Produce	Produce		Support	Approved	None	Final
28	Market A	Adam Reed	Produce	Produce		Support	Approved	None	Final
29	Market A	Bella Scott	Produce	Produce		Support	Approved	None	Final
30	Market A	Connor Taylor	Produce	Produce		Support	Approved	None	Final
31	Market A	Dora Thomas	Produce	Produce		Support	Approved	None	Final
32	Market A	Ethan Vance	Produce	Produce		Support	Approved	None	Final
33	Market A	Fiona Ward	Produce	Produce		Support	Approved	None	Final
34	Market A	Gavin Young	Produce	Produce		Support	Approved	None	Final
35	Market A	Hannah Ziegler	Produce	Produce		Support	Approved	None	Final

PART 2.

Subpart 1. Section 6.4.D., Table 6.4-1 Use Regulations Schedule; Fruit and Vegetable Markets is amended as follows:

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District																			NOTE					
	Agriculture/ Conservation					Residential								Commercial					Industrial/ Public						
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C	C H O		C G	C R E	I L	I G	P O
						R U R A L	U S A																		
Commercial uses																									
Adult entertainment																			S			S	S		2
Auction, enclosed					A												B		D						13
Auction, outdoor					A														A			B			13
Automotive paint or body shop																			A			P	P		14
Automotive service station																	A		A			B	D		15
Bed and Breakfast					A	S	S	S	S	S	S	S	S	S	S										16
Broadcasting studio																	B	D	D			P			
Building supplies, retail					B											B			B			D			
Building supplies, wholesale																			A			D	P		
Car wash and auto detailing																	A		B			D			18
Contractor's storage yard					D																	D	P		25
Convenience store, no gas sales																A	A		B						26
Convenience store with gas sales																	A		A						27
Day labor employment service																			A			D	P		29
Dispatching office					D														B			P	P		30
Financial institution																D	D	B	B	B					38
Flea market, enclosed																			B						40
Flea market, open																			A			B			41
Fruit and vegetable market		D		P	P	A										P	P		P						42

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Subpart 2. Section 6.4.D.42., Use Regulations and Definitions; Supplemental Standards; Fruit and Vegetable Markets is amended to add and delete language as follows:

- 42. Fruit and vegetable market** means an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience type foods or products shall not be permitted. In addition to the property development regulations contained in this code, all fruit and vegetable markets shall comply with the following standards: ~~A fruit and vegetable market shall comply with the following standards in the SA district. In the SA district a fruit and vegetable market shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks, and shall be subject to provisions of Sec. 7.3 (Compatibility landscape buffer strips).~~
- a. **Size and Configuration.** For the purposes of this section, the square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.
 - b. **Outdoor display and storage.** Outdoor storage shall be subject to the provisions contained in Sec. 6.6.A.3 of this code. Outdoor display of only fresh fruits and vegetables is permitted, along the properties frontage, except within the required setbacks.
 - c. **Uses.** The use shall be limited to those uses identified above. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Sec. 6.4.D.83 of this code. No vending machines or other similar equipment shall be permitted on site.
 - d. **Building Construction.** The fruit and vegetable market shall be contained in either an entirely enclosed or roofed open air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall be not be used for storage or display purposes.
 - e. **Sanitation.** Sanitary facilities shall be provided in accordance with Sec. 10.D.10., Florida Administrative Code and any other applicable requirements, as amended.
 - f. **Site Development Standards.** The property shall be developed in accordance with the provisions set forth in this code, unless otherwise provided in subsection 6.4.D.42.f.v. below.
 - g. **Residential Buffers.** Markets located on property adjacent to a residential zoning district shall install landscape compatibility buffer alternatives 1, 2, 3 or 4, as defined in Sec. 7.3., for the length of the property line required to screen the market and accessory parking area

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- 1 h. **AR/Rural, SA, AGR, or RSER Districts.** In addition to the above
2 standards, fruit and vegetable markets shall comply with the following:
3
4 i. **Locational criteria.** The stand and accessory area shall be:
5
6 a. located on an arterial designated on the Palm Beach County
7 Thoroughfare Plan;
8
9 b. located at least 500 feet from adjacent existing residential uses.
10
11 ii. **Lot size.** The market shall be located on a legal lot of record. A
12 minimum of one acre shall be allocated to the exclusive use of the
13 stand and accessory parking area.
14
15 iii. **Setbacks.** The structure and accessory area shall be setback at least
16 fifty (50) feet from the front and side corner property lines. The rear
17 and side interior setbacks shall meet the minimum standards of the
18 district.
19
20 iv. **Intensity in the AR zoning district.** In the AR zoning district, the area
21 devoted to the fruit and vegetable market shall not exceed 3,000
22 square feet.
23
24 v. **Markets less than 1,500 square feet.** In addition to the standards
25 stated above, fruit and vegetable markets less than 1,500 square
26 feet (including both the structure and all accessory areas devoted to
27 display or storage) in all zoning districts referenced above, may apply
28 the following less restrictive development standards:
29
30 (a) **Paving.** The surface parking lot may be constructed of shellrock or
31 other similar material. At a minimum the following areas shall be
32 paved in accordance with the Sec. 7.2.C.12.b.(3) of this code:
33
34 (1) a paved driveway apron area, connecting the right-of-way to
35 the site shall be subject to approval by the County Engineer;
36 and,
37
38 (2) handicap parking spaces and handicap access.
39
40 (b) **Landscaping.** Landscaping shall be required, in accordance with
41 Sec. 7.3, as follows:
42
43 (1) along all perimeters of the site abutting rights-of-way or
44 residentially zoned property;
45
46 (2) if the parking area exceeds the minimum parking requirement
47 by more than 50 percent, then the site shall comply with the
48 minimum tree planting and interior landscape requirements of
49 Sec. 7.3.
50

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1 (c) **Vegetation.** Existing vegetation shall be preserved in accordance
2 with Sec. 7.6 of this code.
3
4

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Subpart 3. Section 6.4.D.92., Use Regulations and Definitions; Supplemental Standards; Stands for the sale of agricultural products is amended to add and delete language as follows:

92. ~~Agricultural Stand for the sale of agricultural products~~ means a temporary stand, less than 150 square feet used for the retail sale of agricultural products, not necessarily grown on site, consisting of fresh unprocessed fruit, vegetables, flowers, and containerized interior house plants. ~~not necessarily grown on the site. A stand used for the sale of agricultural products, not necessarily grown on site.~~ The stand shall comply with the following supplementary use standards:

a. ~~Approval.~~ ~~The An agricultural stand is permitted in the AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG districts subject to a special use permit approval. and in residential districts with a DRG approval.~~ Application shall be made on forms provided by the Zoning Director.

b. ~~Locational criteria.~~ The stand and accessory area shall not be:

i. ~~permitted only in the AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG districts;~~

ii. ~~located on an arterial roadway designated on the Palm Beach County Thoroughfare Plan;~~

iii. ~~located a minimum of one hundred (100) feet from an intersection of an arterial and any other dedicated right-of-way;~~

iv. ~~Separation.~~ ~~The stand shall not be any closer than located at least six hundred (600) feet from to any other agricultural stand- permitted in accordance with these provisions; if located in a zoning district other than a commercial district; and,~~

v. ~~located at least 500 feet from adjacent residential uses.~~

b.c. ~~Number.~~ ~~There shall be e~~Only one (1) stand shall be permitted on a parcel of land- lot of record.

e.d. ~~Size and configuration.~~ The stand and accessory area shall not exceed 150 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella or canopy area.

~~For purposes of this section, all sales and/or displays of agricultural products must be contained within the stand.~~

~~No sales and/or display of agricultural products is permitted outside of this stand.~~

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- 1 e. **Uses.** The use of the stand shall be limited to those uses identified above. No
 2 on-site food preparation or processing shall be permitted. No vending
 3 machines shall be permitted on site. No additional special permits shall be
 4 permitted in conjunction with the stand except for seasonal sales. Seasonal
 5 sales may be permitted in accordance with Sec. 6.4.D.83 of this code.
 6
- 7 df. **Mobility.** The stand ~~must~~ shall be transportable, ~~must~~ retain its mobility, and
 8 ~~must~~ have a frame of sufficient strength to withstand being transported.
 9 The stand shall be transportable by wheels, skids or ~~other similar devices~~
 10 hoist.
 11
- 12 e.g. **Building Materials.** The stand shall be constructed of durable materials such
 13 as but not limited to metal, fiberglass, wood, etc. The structure used for a
 14 stand shall be constructed for the sole purpose of selling agricultural
 15 products. ~~Semi-trucks, mobile homes, and other permanent or temporary~~
 16 ~~structures shall not be used as a stand. Motor vehicles, including vans and~~
 17 ~~small trucks may be permitted provided the vehicle is removed from site at~~
 18 ~~the end of each business day. These vehicles shall not be used for~~
 19 ~~permanent or temporary residential purposes.~~
 20
- 21 f.h. **Sanitation.** The stand shall ~~not~~ provide access to permanent sanitary
 22 facilities. At a minimum, these facilities shall consist of a unisex toilet and
 23 hand washing sink with pressurized running water. The sanitary facilities
 24 may be provided in conjunction with another permitted use elsewhere on
 25 the site if within 300 feet of the stand, and written permission is obtained
 26 from the owner of the sanitary facilities.
 27
- 28 g.i. **Electricity.** Electricity may be connected to a stand for lighting, cash register
 29 refrigeration and fans, etc. ~~However, e~~Electricity shall not be used for
 30 refrigeration, preparation of food, and other uses similar to a vegetable
 31 market or a convenience store. Electrical service to a site shall be provided
 32 in accordance with the electrical code. If a generator is used on site, it shall
 33 meet the supplemental requirements established by the Palm Beach County
 34 Chief Inspector and Palm Beach County Fire Rescue Department.
 35
- 36 j. **Refrigeration.** Refrigeration shall be contained within the confines of the 150
 37 square foot stand. Appropriate permits shall be obtained. If a motor vehicle
 38 is used for the stand, portable refrigeration may be used if contained as part
 39 of a motor vehicle and removed from the site daily.
 40
- 41 ~~h. Residential occupancy. Mobile homes, travel trailers and other structures~~
 42 ~~intended for residential occupancy whether temporary or permanent shall not~~
 43 ~~be used as a stand.~~
 44
- 45 i ~~The stand shall not be any closer than six hundred (600) feet to any other~~
 46 ~~stand.~~
 47
- 48 j.k. **Setbacks.** The stand shall be set back at least ~~fifty (50)~~ thirty-five (35) feet
 49 ~~or more from the front property line and 50 feet from all other parcel~~
 50 ~~boundaries, designated for the stand. The pavement or shall abut the base~~
 51 ~~building line, whichever distance is greater.~~

Highlighted language indicates proposed new language.
 Language crossed out indicates language proposed to be deleted.

k. ~~Intersection criteria. The stand shall not be located within one hundred (100) feet of the intersection of the right of way lines of any two dedicated roads.~~

ml. Signage. Signs for vendors shall be limited to ~~two~~ **one** signs, with a combined maximum sign face area of ~~ten (10)~~ **thirty-two (32)** square feet single-faced or ~~sixty four (64)~~ **sixty four (64)** square feet doubled-faced. The sign shall be no closer to any property line than the vendor stand. Banners, pennants, balloons or flags shall be prohibited.

m. Concurrency and Impact Fees. A concurrency certificate is not required for stands 150 square feet or less. Impact fees shall be paid prior to issuance of the special permit in accordance with the impact fee schedule contained in Art. 10.

ln. Permission. The vendor shall receive written permission from the property owner.

n.o. Insurance. Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of ~~two~~ **three** hundred thousand dollars (\$~~2300,000~~ **300,000**) per occurrence.

p. Renewal of special permit. The special permit shall expire within one year from the date the permit was issued. The special permit may be renewed annually in accordance with Sec. 5.5.E.9 of this code.

q. Existing Stands. All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be grandfathered. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of Palm Beach County, Florida, and as provided herein:

1. the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
2. display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
3. the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this subsection. as amended.
4. portable refrigeration, may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained; and,
5. the use of vending machines shall not continue.

Expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this section. If an existing stand is expanded, repaired or altered, the affected area shall comply with the regulations herein.

Highlighted language indicates proposed new language.
Language crossed out indicates language proposed to be deleted.

PART 3. CAPTIONS:

The captions, sections headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 4. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any such conflict.

PART 5. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provision of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

PART 7. EFFECTIVE DATE:

The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm

Beach County, on the _____ day of _____ 19____.

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
COUNTY ATTORNEY

EFFECTIVE DATE: Filed with the Department of State on the _____ day of _____, 19____, at _____ .M.

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~~Language crossed out~~ indicates language proposed to be deleted.

ATTACHMENT 3

PART 2

ARTICLE 6.4; AG. STAND EXPANSION TO 1,300 S.F. (ORIGINAL BCC DIRECTIVE)

PART 2.

Subpart 1. Section 6.4.D.92., Use Regulations and Definitions; Supplemental Standards; Stands for the sale of agricultural products is amended to add and delete language as follows:

92. ~~Agricultural Stand for the sale of agricultural products~~ means a stand for the retail sale of agricultural products, not necessarily grown on site, consisting of fresh unprocessed fruit, vegetables, flowers, and containerized interior house plants. ~~not necessarily grown on the site. A stand used for the sale of agricultural products, not necessarily grown on site.~~ The stand shall comply with the following supplementary use standards:

- a. ~~Approval.~~ The An agricultural stand is permitted in the AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG districts subject to a special use permit approval. and in residential districts with a DRC approval. Application shall be made on forms provided by the Zoning Director.
- b. ~~Locational criteria.~~ The stand and accessory area shall not be:
 - i. permitted only in the AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG districts;
 - ii. located on an arterial roadway designated on the Palm Beach County Thoroughfare Plan;
 - iii. located a minimum of one hundred (100) feet from an intersection of an arterial roadway and any other dedicated right-of-way;
 - iv. ~~Separation.~~ The stand shall not be any closer than six hundred (600) feet to any other stand. located a minimum of one (1) mile from any other agricultural stand permitted in accordance with these provisions; and,
 - v. located at least 500 feet from adjacent residential zoning districts in all zoning districts except AR/Rural and AR/USA. In the AR district stands shall be located at least 500 feet from existing residential development.
- c. ~~Lot size.~~ The stand shall be located on a legal lot of record. A minimum of one half (1/2) acre shall be allocated to the exclusive use of the stand and accessory parking area.
- b.d. ~~Number.~~ There shall be ~~only one (1) stand shall be permitted on a parcel of land.~~ lot of record.
- e.e. ~~Size and configuration.~~ The stand and accessory area shall not exceed 1,300 square feet. The enclosed portion of the stand shall not exceed ~~three five hundred (3500) square~~

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feet. The accessory area shall be limited to display, storage and cashier purposes. The accessory area shall not exceed 800 square feet and shall be covered by a removable cantilevered canopy. No outdoor display or storage shall occur outside of the 800 square foot accessory area.

~~For purposes of this section, all sales and/or displays of agricultural products must be contained within the stand. No sales and/or display of agricultural products is permitted outside of this stand.~~

f. **Uses.** The use of the stand shall be limited to those uses identified above. No on-site food preparation shall be permitted. No umbrellas or vending machines shall be permitted on site. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales may be permitted in accordance with Sec. 6.4.D.83 of this code.

dg. **Mobility.** The stand ~~must~~ shall be transportable, ~~must~~ retain its mobility, and ~~must~~ have a frame of sufficient strength to withstand being transported. The stand shall be transportable by wheels, skids or other similar devices.

e-h. **Building Materials.** Structural and electrical permits shall be obtained as required by Palm Beach County Building Division. The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products.

Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used as a stand.

f.i. **Sanitation.** ~~The stand shall not provide sanitary facilities such as toilet or running water. However, these~~ Permanent sanitary facilities may be provided. These facilities may be provided in conjunction with an adjacent permitted use if permission is obtained from the owner of the sanitary facilities elsewhere on the site.

g-j. **Electricity.** Electricity may be connected to a stand for lighting, cash register, fans, ~~ete~~ and portable refrigerators. However, electricity shall not be used for refrigeration, preparation of food, and other uses similar to a vegetable market or a convenience store. Electrical service to a site shall be provided in accordance with the electrical code. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Inspector and Palm Beach County Fire Rescue Department.

k. **Refrigeration.** Portable refrigeration may be used to store agricultural products as defined herein, if all appropriate

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permit are obtained. All refrigeration shall maintain mobility and contained within the 500 square foot stand.

~~h. Residential occupancy. Mobile homes, travel trailers and other structures intended for residential occupation whether temporary or permanent shall not be used as a stand.~~

~~i. The stand shall not be any closer than six hundred (600) feet to any other stand.~~

~~j.1. Setbacks. The stand shall be set back at least fifty (50) feet or more from all parcel boundaries, designated for the stand. The setbacks from rights of way shall be measured from pavement or shall abut the base building line, whichever distance is greater.~~

~~k. Intersection criteria. The stand shall not be located within one hundred (100) feet of the intersection of the right of way lines of any two dedicated roads.~~

~~ml. Signage. Signs for vendors shall be limited to two one, with a combined maximum sign face area of ten (10) thirty-two (32) square feet, single-faced or sixty four (64) square feet, doubled-faced. The sign shall be no closer to any property line than the vendor stand. Banners, pennants, balloons or flags shall be prohibited.~~

~~n. Concurrency and Impact Fees. A concurrency certificate shall be granted prior to issuance of the special permit. Impact fees shall be paid prior to issuance of the special permit in accordance with the impact fee schedule contained in Art. 10.~~

~~l.o. Permission. The vendor shall receive written permission from the property owner.~~

~~n.p. Insurance. Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of two three hundred thousand dollars (\$2300,000) per occurrence.~~

~~q. Renewal of special permit. The special permit shall expire within one year from the date the permit was issued. The special permit may be renewed annually in accordance with Sec.5.5.E.9 of this code.~~

~~r. Existing Stands. All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be grandfathered and:~~

- ~~1. the enclosed portion of the stand shall not exceed 300 square feet;~~
- ~~2. display of products immediately adjacent to the stand, weather or not displayed under an umbrella or canopy, may~~

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Language crossed out indicates language proposed to be deleted.

continue in the same configuration as existed on July 11, 1995;

3. the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand, as defined herein, as may be amended from time to time;
4. portable refrigeration may be permitted within the confines of the 300 square foot stand if all required electrical permits have been obtained; and,
5. the use of vending machines shall not continue.

Expansion of existing stands that exceed 1,300 square feet shall not be permitted. Existing stands may be expanded to 500 square feet if there is a corresponding reduction in outdoor display area. If an existing stand is expanded, repaired or altered, the affected area shall comply with the regulations herein.

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August 15, 1995

ATTACHMENT 4

PART 2

ARTICLE 6.4; MAINTAIN EXISTING REGULATIONS AND ADD GRANDFATHERING PROVISIONS

Part 2.

Subpart 1.

Section 6.4.D.92., Use Regulations and Definitions; Supplemental Standards; Stands for the sale of agricultural products is amended to add and delete language as follows:

92. Stand for the sale of agricultural products means a stand for the retail sale of fruit, vegetables, flowers, and house plants not necessarily grown on the site. A stand used for the sale of agricultural products, not necessarily grown on site, shall comply with the following supplementary use standards:

- a. **Approval.** The use is permitted in the AGR, AP, AR/Rural, AR/USA, SA, RSER, CRS, CN, CC, CHO, CG, CRE, IL and IG districts subject to a special use permit approval. ~~and in residential districts with a DRC approval.~~
- b. **Number.** There shall be only one (1) stand on a parcel of land.
- c. **Size.** The stand shall not exceed three hundred (300) square feet. For purposes of this Section, all sales and/or displays of agricultural products must be contained within the stand. No sales and/or display of agricultural products is permitted outside of this stand.
- d. **Mobility.** The stand must be transportable, must retain its mobility, and must have a frame of sufficient strength to withstand being transported. The stand shall be transportable by wheels, skids or other similar devices.
- e. **Building Materials.** The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products.
- f. **Sanitation.** The stand shall not provide sanitary facilities such as toilet or running water. However, these facilities may be provided elsewhere on the site.
- g. **Electricity.** Electricity may be connected to a stand for lighting, cash register, fans, etc. However, electricity shall not be used for refrigeration, preparation of food, and other uses similar to a vegetable market or a convenience store.
- h. **Residential occupancy.** Mobile homes, travel trailers and other structures intended for residential occupation whether temporary or permanent shall not be used as a stand.
- i. **Separation.** The stand shall not be any closer than six hundred (600) feet to any other stand.
- j. **Setbacks.** The stand shall be set back fifty (50) feet or more from the pavement or shall abut the base building line, whichever distance is greater.
- k. **Intersection criteria.** The stand shall not be located within one hundred (100) feet of the intersection of the right-of-way lines of any two dedicated roads.
- l. **Permission.** The vendor shall receive written

permission from the property owner.

- n. **Signage.** Signs for vendors shall be limited to one sign, with a maximum sign face area of ten (10) square feet. The sign shall be no closer to any property line than the vendor stand. Banners, pennants, balloons or flags shall be prohibited.
- o. **Insurance.** Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of two hundred thousand dollars (\$200,000) per occurrence.
- p. **Existing Stands.** All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be grandfathered. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of Palm Beach County, Florida, and as provided herein:
 - 1. the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
 - 2. display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
 - 3. the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this subsection, as amended.
 - 4. portable refrigeration, may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained; and,
 - 5. the use of vending machines shall not continue.

Expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this section. If an existing stand is expanded, repaired or altered, the affected area shall comply with the regulations herein.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/12/95
DATED at West Palm Beach, FL on 10/10/95.
DOROTHY H. WILKEN, Clerk
By: Bryllis A. House D.C.